

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 21

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT S. SCHEFEE,
NORMAN H. LUNDSTROM and
JAMES D. MARTIN

Appeal No. 2002-0051
Application 09/363,013

ORDER REMANDING TO EXAMINER

MAILED

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**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

An Information Disclosure Statement (IDS) (Paper No. 15) was filed January 31, 2001. There is no indication in the record that the IDS was considered according to the criteria set forth in 37 CFR §§ 1.97 and 1.98 (1994). A communication notifying applicants of the primary examiner's decision is required. See Manual of Patent Examining Procedure (MPEP) § 609(c) (8th Ed., Aug. 2001).

Accordingly, it is

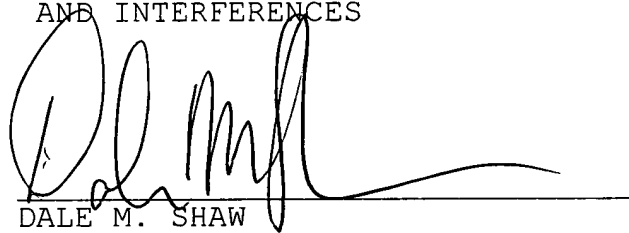
ORDERED that the application is remanded to the examiner for consideration of the IDS (Paper No. 15, filed January 31, 2001),

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appropriate notification to applicants of the action taken, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

DALE M. SHAW
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DMS:svt

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